IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY,
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 6046 of 2001

Between:

1 Smt. B.Srilatha, W/o. Lagte B.Janardhan alias Jenny,
R/o. H.No. 5-4-87, Kothur, Hanamakonda, Warangal District.
2 B.Viplav Kumar, S/o. Late B.Janardhan alias Jenny,
R/o. H.No. 5-4-87, Kothur, Hanamakonda, Warangal District.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Hanamakonda Mandal, Warangal District.
2 The District Revenue Officer, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the First Respondent in not implementing the orders of the Second Respondent passed in R.C.No. E3/B4/8308/98, dated 1-2-2001 Under Section 166-B of A.P.(Telangana Area) Land Revenue Act 1317 Fasli as arbitrary and illegal and consequently direct the First Respondent to implement the orders of the Second Respondent passed in R.C.No.No.E3/B4/8308/98, dated 1-2-2001 Under SEction 166-B of A.P.(Telangana Area) land Revenue Act
1317 Fasli.

Counsel for the Petitioner:MR.S.SATYAM REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

O R D E R:

This writ petition is filed under Article 226 of the Constitution of India seeking a Mandamus declaring the action of the 1st respondent in not implementing the order of the 2nd respondent passed in R.C.No.E3/B4/8308/98, dated 01-02-2001 under Section 166-B of A.P.(Telangana Area) Land Revenue Act 1317 (for short 'the Act') Fasli as arbitrary and illegal.

The petitioners herein are the absolute owners and possessors of the land bearing Nos.88 and 89 admeasuring Ac.1.17 guntas situated at Lashkar Singaram village, Hanamakonda Mandal, Warangal District. It is the case of the petitioners that some persons, in collusion with the officials of the Department, have got their names entered as possessors for the year 1994-95 onwards. On filing of the suit in O.S.No.876 of 1996, the Principal Junior Civil Judge Warangar granted status-quo on 31-12-1996 in I.A.No.1417 of 1996. The grievance of the petitioners is that even though the 2nd respondent –District Revenue Officer, Warangal, passed impugned proceedings for rectification of the entries, the 1st respondent-Mandal Revenue Officer, Hanamakonda, did not implement the same and asked them to await till the final disposal of the said civil suit proceedings.

Heard both sides.

The learned Government Pleader appearing for the respondents submitted that since there is a civil suit pending for consideration before the competent civil court, the relief sought for in this writ petition cannot be granted.

As submitted by the learned Government Pleader, the civil suit between the parties is pending for consideration before the competent Civil Court, and during the pendency of the said civil suit relating to the same issue, I do not see any irregularity or illegality in asking the petitioners to await till the final disposal of the civil proceedings.

Accordingly, the writ petition is dismissed. No costs.

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06-07-2005

MjI/*

To,

1 The Mandal Revenue Officer, Hanamakonda Mandal, Warangal District.
2 The District Revenue Officer, Warangal District.

3. 2 CCs to G.P. for Revenue, High Court buildings, Hyderabad.

4. 2 CD copies.